

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JULY 15, 1999**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Carl A. S. Coan, Jr., Providence District
Judith W. Downer, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Peter F. Murphy, Jr., Springfield District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: John M. Palatiello, Hunter Mill District
Alvin L. Thomas, Commissioner At-Large

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The meeting was called to order at 8:25 p.m. by Vice Chairman John R. Byers, in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Kelso noted that more time was needed for two Lee District applications and therefore MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON RZ-1998-LE-048 AND FDP-1998-LE-048, METRO PARK, LLC, TO A DATE CERTAIN OF JULY 28, 1999.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioner Murphy not present for the vote; Commissioners Palatiello and Thomas absent from the meeting.

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Commissioner Koch announced his intent to defer the public hearing on 2232-Y99-2, Fairfax County Park Authority, from its presently scheduled date of July 22, 1999 to September 30, 1999.

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Chairman Murphy reminded the Commission that the Residential Infill Development Committee would meet on Tuesday, July 20, 1999 at 7:00 p.m. in the Board Conference Room.

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PCA-C-448-10 - KINGSTOWNE, LP

FDP-C-448-32 - KINGSTOWNE, LP (Decisions Only)

(The public hearing on these applications was held on June 24, 1999. A complete verbatim transcript of the decisions made is included in the date file.)

At Commissioner Kelso's request, Antonio Calabrese, Esquire, attorney for the applicant, stated for the record that the proffers and exhibits would be modified to reflect the agreement reached with staff on Wednesday, July 14, 1999 regarding the reconstruction of Outlet 10 and that the picnic facilities for Kingstowne Park would meet Park Authority standards.

Commissioner Kelso then MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-C-448-10 AND THE ACCOMPANYING CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE DRAFT PROFFERS DATED JULY 12, 1999, TO BE REVISED AS STATED BY MR. CALABRESE TONIGHT.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Palatiello and Thomas absent from the meeting.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS WAIVER OF THE FOLLOWING REQUIREMENTS FOR OFF-SITE RECREATION FACILITIES: SIDEWALKS, DUSTLESS SURFACE, ON-SITE STORMWATER MANAGEMENT, TRANSITIONAL SCREENING YARD, TREE COVERAGE, BMPS, DEDICATION, AND CONSTRUCTION OF ROADS PER THE COMPREHENSIVE PLAN, STREET LIGHTS, ON-SITE PEDESTRIAN SIDEWALKS AND TRAILS, AND THE SOILS REPORT.

Commissioner Byers seconded the motion which carried by a vote of 6-0-3 with Commissioners Coan, Hall, and Harsel abstaining; Commissioner Alcorn not present for the vote; Commissioners Palatiello and Thomas absent from the meeting.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION APPROVE FDP-C-448-32, SUBJECT TO THE APPROVAL OF PCA-C-448-10 BY THE BOARD OF SUPERVISORS AND THE PROPOSED DEVELOPMENT CONDITIONS DATED JULY 8, 1999 AND CONTAINED IN ATTACHMENT 2 OF THE SECOND STAFF REPORT ADDENDUM, WITH THE FOLLOWING CHANGES:

REVISE THE REFERENCE TO THE JUNE 30, 1998 PLAN TO BE JULY 10, 1999,
AND DELETE DEVELOPMENT CONDITION #2.

Commissioner Byers seconded the motion which carried by a vote of 8-0-1 with Commissioner Coan abstaining; Commissioner Alcorn not present for the vote; Commissioners Palatiello and Thomas absent from the meeting.

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SEA-94-L-004 - KINGSTOWNE SHOPPING CENTER I LP

PCA-C-448-20 - KINGSTOWNE SHOPPING CENTER I LP

FDPA-C-448-5-3 - KINGSTOWNE SHOPPING CENTER I LP (Decisions Only)

(The public hearing on these applications was held on April 22, 1999 and April 29, 1999. A complete verbatim transcript of the decisions made is included in the date file.)

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-C-448-20, KINGSTOWNE SHOPPING CENTER I LP, SUBJECT TO EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED APRIL 21, 1999.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Palatiello and Thomas absent from the meeting.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION APPROVE FDPA-C-448-5-3, SUBJECT TO THE BOARD'S APPROVAL OF PCA-C-448-20 AND SUBJECT TO THE DEVELOPMENT CONDITIONS DISTRIBUTED LAST EVENING, DATED JULY 14, 1999.

Commissioner Byers seconded the motion which carried by a vote of 8-0-1 with Commissioner Coan abstaining; Commissioner Alcorn not present for the vote; Commissioners Palatiello and Thomas absent from the meeting.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE NORTH, EAST, AND SOUTH PROPERTY LINES BE MODIFIED TO THAT SHOWN ON THE FDPA.

Commissioner Byers seconded the motion which carried by a vote of 8-0-1 with Commissioner Coan abstaining; Commissioner Alcorn not present for the vote; Commissioners Palatiello and Thomas absent from the meeting.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD APPROVAL OF SEA-94-L-004, SUBJECT TO THE DEVELOPMENT CONDITIONS DISTRIBUTED LAST EVENING AND DATED JULY 14, 1999.

Commissioner Byers seconded the motion which carried by a vote of 7-0-2 with Commissioners Coan and Harsel abstaining; Commissioner Alcorn not present for the vote; Commissioners Palatiello and Thomas absent from the meeting.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD THAT THE BARRIER REQUIREMENTS ALONG THE NORTH, EAST, AND SOUTH PROPERTY LINES BE WAIVED.

Commissioner Byers seconded the motion which carried by a vote of 8-0-1 with Commissioner Coan abstaining; Commissioner Alcorn not present for the vote; Commissioners Palatiello and Thomas absent from the meeting.

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PCA-C-448-19 - KINGSTOWNE SVD SOUTH, LP

FDP-C-448-35 - KINGSTOWNE SVD SOUTH, LP (Decisions Only)

(The public hearing on these applications was held on June 24, 1999. A complete verbatim transcript of the decisions made is included in the date file.)

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA-C-448-19, BY KINGSTOWNE SVD SOUTH, LP, SUBJECT TO THE EXECUTION OF THE PROFFERS DATED JUNE 16, 1999.

Commissioner Byers seconded the motion which carried by a vote of 7-2 with Commissioners Coan and Wilson opposed; Commissioner Alcorn not present for the vote; Commissioners Palatiello and Thomas absent from the meeting.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION MODIFY THE DEVELOPMENT CONDITIONS FOR FDP-C-448-35 DATED JULY 15, 1999 AS FOLLOWS:

IN CONDITION #2 ADD THE WORDS "REDISTRIBUTED ON SITE, AND" BETWEEN THE WORDS "BE REMOVED" AND THE WORDS "REPLACED WITH." STRIKE COMPLETELY CONDITIONS #5 AND #6.

IN CONDITION #7 ADD THE WORDS "FOR ALL FUTURE WORK" BETWEEN THE WORDS "PIPES" AND "WILL"

RENUMBER THE DEVELOPMENT CONDITIONS ACCORDINGLY.

IN CONDITION #9, ADD TO THE BEGINNING OF THE FIRST SENTENCE: "IF APPLICABLE AND REQUIRED BY DPWES, THE FOLLOWING WILL BE RECORDED IN THE DEEDS."

He then MOVED THAT THE PLANNING COMMISSION APPROVE FDP-C-448-35, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 15, 1999, MODIFIED BY MY FOREGOING STATEMENT, AND SUBJECT TO THE BOARD'S APPROVAL OF PCA-C-448-19.

Commissioner Byers seconded the motion which carried by a vote of 7-2 with Commissioners Coan and Wilson opposed; Commissioner Alcorn not present for the vote; Commissioners Palatiello and Thomas absent from the meeting.

Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD WAIVER OF THE RESTRICTION OF THE 600-FOOT LENGTH OF PRIVATE STREETS.

Commissioner Byers seconded the motion which carried by a vote of 7-2 with Commissioners Coan and Wilson opposed; Commissioner Alcorn not present for the vote; Commissioners Palatiello and Thomas absent from the meeting.

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CSPA-80-P-039-2 - VIENNA METRO JOINT VENTURE (Decision Only)

(The public hearing on this application was held on July 8, 1999. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Coan MOVED THAT WE APPROVE CSPA-80-P-039-2, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 14, 1999.

Commissioner Byers seconded the motion which carried unanimously with Commissioner Alcorn not present for the vote; Commissioners Palatiello and Thomas absent from the meeting.

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ORDER OF THE AGENDA

Chairman Murphy noted that only one public hearing remained on tonight's agenda:

ZONING ORDINANCE AMENDMENT (PLACES OF WORSHIP)

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ZONING ORDINANCE AMENDMENT (PLACES OF WORSHIP) -

Amend Arts. 2, 3, 8, 13, & 20 of Chapter 112 of the 1976 Code of the County of Fairfax to allow places of worship & certain accessory uses to locate in the R-C, R-E, R-1, R-2, R-3, R-4, R-5, & R-8 Districts as uses permitted by right subject to use limitations, & other changes

ZONING ORDINANCE AMENDMENT (PLACES OF WORSHIP)

July 15, 1999

relevant to places of worship. PUBLIC HEARING.

Diane Johnson-Quinn, Zoning Administration Division, Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the language outlined on pages 10 through 32 of the staff report.

Chairman Murphy noted that the Board of Supervisors had recently directed DPZ staff to initiate language on further alternatives to the Zoning Ordinance provisions regarding places of worship to be heard by the Planning Commission in September. He noted, however, that that matter was not before the Commission tonight and suggested that comments be directed to the specific proposal outlined in the staff report.

In response to questions from Commissioner Wilson, Ms. Johnson-Quinn confirmed that the public hearing process would be eliminated in most instances and that the current site plan process only required notification of five property owners 30 days in advance of approval. She further confirmed that there might be some places of worship currently operating under special exceptions with conditions that would no longer be applicable if the proposed amendment was approved.

In response to further questions from Commissioner Wilson, Barbara Byron, Director, Zoning Evaluation Division, DPZ, explained that staff would review existing and proposed places of worship on a case-by-case basis.

Commissioner Hall noted that she had received a letter from the Lake Barcroft Association expressing its opposition to the proposed amendment. (A copy is in the date file.)

In response to a question from Commissioner Hall, Jane Gwinn, Zoning Administrator, explained that there had been some problems in 1972 with church services being held in residential areas that prompted the County to begin regulating church development through the special permit process.

In reply to questions from Commissioner Alcorn, Ms. Johnson-Quinn stated that floodplains and certain steep slopes would still be protected by Zoning Ordinance provisions if places of worship were allowed by right in residential districts, but that not all environmental quality corridors would necessarily be preserved.

Chairman Murphy called the first three listed speakers and recited the rules for public testimony.

Commissioner Wilson announced her intention to defer the decision on this item.

The first listed speaker, Irwin Auerbach, 8633 Overlook Road, McLean, representing the Lewinsville Coalition, was not present when called; however, a copy of his statement of opposition is in the date file.

The following individuals spoke in support of the amendment. They said that the current requirements of the review process imposed a hardship on congregations with limited budgets and spoke about the difficulties encountered in attempting to locate or expand properties for worship services. They spoke about the "unwritten" rules and guidelines used by staff to evaluate church applications. They maintained that environmental issues would be addressed during the site plan review process. Many gave details of their personal experiences with the land use process.

2. William Robson, Robson Group Architects, Inc., 5675 Stone Road, #230, Centreville, representing the Network for Places of Worship (NPW)

Mr. Robson responded to questions from Commissioners Coan and Wilson regarding his testimony.

3. Rev. David Hunter, P.O. Box 2344, Dale City, representing NPW/Tribe of Judah

Rev. Hunter responded to questions from Commissioners Alcorn, Downer, Hall, Koch, and Murphy regarding his testimony. (A copy of his statement is in the date file.)

4. John McBride, Esquire, Hazel & Thomas, 44084 Riverside Parkway, Leesburg

Mr. McBride responded to questions from Commissioners Alcorn and Wilson regarding his testimony.

5. Dennis Smith, 2739 West Ox Road, Herndon, representing Chantilly Bible Church

Mr. Smith responded to questions from Commissioners Alcorn, Coan, and Wilson regarding his testimony.

6. David Cotts, 7620 Hayfield Road, Alexandria, representing NPW/St. John's Lutheran Church

Mr. Cotts responded to questions from Commissioner Coan regarding his letter to the Commission expressing his dissatisfaction with the current review process and his unhappiness at the manner in which the workshop on this proposed Zoning Ordinance Amendment had been conducted. (A copy of his letter is in the date file.)

Mr. Cotts also responded to questions from Commissioner Wilson regarding his position.

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The Commission went into recess at 10:45 p.m. and reconvened in the Board Auditorium at 11:00 p.m.

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7. Paul Hopley, 5103 Cicero Court, Annandale, representing NPW/Parkwood Baptist Church
8. Rev. Neal Goldsborough, 8009 Fort Hunt Road, Alexandria, representing NPW/St. Luke's Episcopal Church

Jane Gwinn, Zoning Administrator, responded to questions from Commissioner Wilson regarding grandfathering and the problems encountered by Rev. Goldsborough when he attempted to obtain a permit for a school that had been in operation for 65 years.

9. Rev. Rob Bromhead, 5690 Sully Road, Centreville, representing NPW/Centreville Presbyterian Church
10. Rev. Victoria Heard, 4000 Lorcom Lane, Arlington, representing NPW/Episcopal Diocese of Virginia
11. Tom Bee, 6037 Franconia Road, Alexandria, representing NPW/Franconia United Methodist Church

Ms. Gwinn responded to questions from Commissioner Alcorn regarding the problems described by Mr. Bee when his church attempted to install a stairwell.

18. Bill McCarron, 9475 Shouse Drive, Vienna
19. James Hart, 13947 Baton Rouge Court, Centreville, representing Western Fairfax County Citizens Association

Mr. Hart responded to questions from Commissioners Alcorn, Byers, and Murphy regarding his position.

Commissioner Coan noted that he had received letters from the Providence District Council, Mantua Citizens Association, and the Pine Ridge Civic Association, all expressing opposition to the proposed amendment. (Copies of all three letters are in the date file.)

20. Richard Peters, 9220 Georgetown Pike, Great Falls, representing St. Francis' Episcopal Church
21. Ron Downing, 4000 Pickett Road, Fairfax, representing Barcroft Bible Church
23. Ray Miligran, address unknown, Springfield

The following individuals spoke in opposition to the amendment. They acknowledged the significant beneficial role of churches, but cited the need for citizen and staff review of applications with land use implications as their major reason for opposition. They maintained that it was bad public policy to eliminate the public hearing process and that churches should not be given privileges not available to other special exception uses in residential districts. Mr. Musick specifically expressed concern that the term "place of worship" was not clearly defined, which he felt could lead to objectionable uses claiming privilege under the proposed amendment. Many gave details of problems associated with places of worship in their neighborhoods.

1. Craig Musick, 6060 Burke Center Parkway, Burke, representing the Burke Center Conservancy (A copy of his statement is in the date file.)
12. Michael McHugh, Esquire, 2000 N. 14th Street #21, Arlington, representing South Run Regency

Mr. McHugh responded to questions from Commissioner Coan regarding South Run Regency and from Commissioners Alcorn and Kelso regarding his position.

13. Eugene Foster, 13401 Twin Lakes Drive, Clifton
14. Dr. Adel Kebaish, 2333 Hunter Mill Road, Vienna
15. Linda Smyth, 2910 Hideaway Road, Fairfax, representing Briarwood Citizens Association
16. John Griggs, 2513 Fowlers Lane, Reston
17. David Bolte, 836 Herbert Springs Road, Alexandria, representing the Mount Vernon Council
22. Diane D'Arcy, 2016 Highboro Way, Falls Church, representing McLean Citizens Association

Chairman Murphy commented that a lot of people tonight seemed to have the impression that churches had been "targeted" in the review process. He added that there also seemed to be some opinions that staff had unfairly subjected church applications to a more rigorous standard. He assured the audience that neither case was true and that staff evaluated each case in the same manner, using the same criteria, i.e., the Zoning Ordinance and the Comprehensive Plan. He noted that the Board of Supervisors was the governing body in Fairfax County that established the policies that staff followed in reviewing land use applications.

Commissioner Alcorn commented that the policies in the Comprehensive Plan were important guidelines for development and that he could not support a proposal that would eliminate the use of those guidelines in evaluating special exception and special permit applications. He noted that the tremendous growth of Fairfax County in recent years had led to some strict requirements for any non-residential use in a residential area, churches included.

Commissioner Hall commented that, while the process might seem burdensome, it was important to allow citizen involvement in the land use process. She noted that the negotiation process between citizens and applicants many times resulted in solutions that might not have been discovered otherwise.

There being no further comments or questions from the Commission and no closing staff remarks, Chairman Murphy closed the public hearing and recognized Commissioner Wilson for a deferral motion. (A verbatim excerpt is in the date file.)

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Commissioner Wilson MOVED TO DEFER THE DECISION ONLY ON THIS PROPOSED ZONING ORDINANCE AMENDMENT TO ARTICLES 2, 3, 8, 13 AND 20, PLACES OF WORSHIP, UNTIL A DATE CERTAIN OF SEPTEMBER 15, 1999, WITH THE RECORD TO REMAIN OPEN FOR ANY WRITTEN CORRESPONDENCE.

Commissioners Byers and Hall seconded the motion which carried unanimously with Commissioners Palatiello and Thomas absent from the meeting.

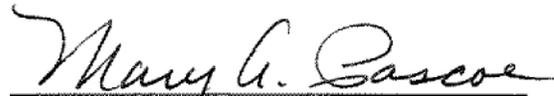
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The meeting was adjourned at 1:00 a.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Gloria L. Watkins

Approved on: July 26, 2000



Mary A. Pascoe
Mary A. Pascoe, Clerk to the
Fairfax County Planning Commission